

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q101062

Eiji SUNAHARA, et al.

Appln. No.: 10/540,394

Group Art Unit: 1643

Confirmation No.: 4910

Examiner: Bradley DUFFY

Filed: September 1, 2005

For: NOVEL PROTEINS AND USE THEREOF

**RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT
APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID
SEQUENCE DISCLOSURES**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This response is in regard to the NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES, dated December 31, 2007, issued in the above-referenced patent application.

In the Notice to Comply, the Examiner states that the present application fails to comply with the requirements of 37 C.F.R. §§1.821-1.825 because not all of the sequences presented in the sequence listing match the sequences disclosed in the specification.

In response, Applicants enclose herewith a substitute Sequence Listing in both paper and computer-readable form, which fully addresses the issues raised in the Notice to Comply. Applicants respectfully submit that one of ordinary skill in the art would realize that the sequence listing as originally filed contained obvious typographical errors, based on the

RESPONSE TO NOTICE TO COMPLY
U.S. Application No.: 10/540,394

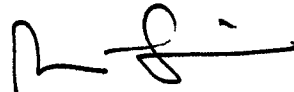
Attorney Docket No.: Q101062

description of the sequences presented in the specification, and in particular the references to specific deposits. Specifically, with regard to SEQ ID NOs: 1-3, one of ordinary skill in the art would understand from the specification that these sequences should correspond to those of Genbank Accession No. XM_044533. With regard to SEQ ID NOs: 4-12, one of ordinary skill in the art would understand from the specification that these sequences should correspond to those of Accession No. FERM BP-8318, deposited at the National Institute of Advanced Industrial Science and Technology, Japan. The sequence listing submitted herewith corrects these obvious errors present in the originally filed sequence listing.

Applicants assert that this Response to the Notice to Comply and the enclosures are being timely filed, and that the enclosures bring the present application in full compliance with the requirements of 37 C.F.R. §§1.821-1.825.

Applicants respectfully request that the Examiner acknowledge that the substitute Sequence Listing meets the requirements of 37 C.F.R. §§1.821-1.825 and that the Examiner enter the substitute Sequence Listing.

Respectfully submitted,



William J. Simmons, Ph.D.
Registration No. 59,887

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: January 31, 2008